

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

NEIL WILLIAMS,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-cv-00585

MARK CRAWFORD, et al.,

Defendants.

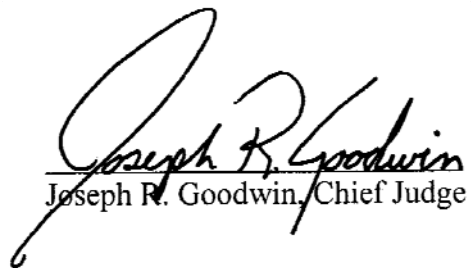
ORDER

Pending before the court is the plaintiff's Motion for Issuance of a Temporary Restraining Order [Docket 4]. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition ("PF&R"), pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact, and recommended that the court deny the plaintiff's motion for a temporary restraining order and dismiss the plaintiff's complaint with prejudice.

The plaintiff filed written objections to the Magistrate Judge's PF&R. The court has performed a *de novo* review of those portions of the findings and recommendations that the plaintiff objected. The court **FINDS** that the objections are without merit. The court agrees with the analysis of the Magistrate Judge. The plaintiff's retaliation claim is precluded by *Adams v. Rice*, 40 F.3d 72 (4th Cir. 1994); the plaintiff's "claim of discrimination fails because he has not alleged or established a race or class-based animus or discrimination" (PF&R at 7); and the court also agrees with the Magistrate Judge that plaintiff's "prodigious filings" are "ample evidence" to the contrary

of his claim of denial of access to the courts (PF&R at 8). The court thus **ADOPTS** the Magistrate Judge's PF&R and **DENIES** the plaintiff's Motion for Issuance of Temporary Restraining Order [Docket 4]. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 21, 2009



Joseph R. Goodwin, Chief Judge